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12 **UNITED STATES DISTRICT COURT**

13 **FOR THE DISTRICT OF NEVADA**

14 ENVTECH, INC., a Nevada Corporation,

15 Case No.: 3:21-cv-00048-MMD-CLB

16 Plaintiff,

17 vs.

18 RICHARD VICTOR RUTHERFORD, an
19 individual,

20 Defendant.

21 **STIPULATION AND ORDER TO EXTEND
22 DEADLINE FOR FILING REPLIES IN
23 SUPPORT OF DISPOSITIVE MOTIONS**

24 **[FOURTH REQUEST]**

25 Plaintiff EnvTech, Inc. (“Plaintiff” or “EnvTech”) and Defendant Richard V. Rutherford
26 (“Defendant” or “Rutherford”) (collectively “the Parties”), by and through their respective counsel,
hereby stipulate and agree that the deadlines for filing replies in support of the Parties’ respective
dispositive motions be extended by two (2) weeks for the reasons set forth below.

27 Both Parties filed motions for summary judgment on March 17, 2023. (ECF Nos. 71-72).
28 Per the Stipulation and Order to Extend Deadline for Filing Responses to Dispositive Motions
[Third Request] (ECF No. 94), EnvTech and Rutherford each filed oppositions to the other party’s
motion for summary judgment on May 1, 2023. (ECF Nos. 86, 92). EnvTech and Rutherford also
filed motions for leave to file certain information and evidence related to their oppositions under
seal. (ECF Nos. 87-88, 90-91).

29 Prior to filing its opposition to Rutherford’s motion for summary judgment, EnvTech filed
30 a Motion to Exceed Page Limits for Plaintiff’s Opposition to Defendant’s Motion for Summary

1 Judgment, which this Court denied by Order dated May 2, 2023 (ECF Nos. 85, 93). In light of the
2 Court's Order, EnvTech revised its opposition and filed a Motion for Leave to File Amended
3 Opposition to Defendant's Motion for Summary Judgment Exceeding Page Limit on May 9, 2023,
4 seeking leave to file an amended opposition totaling 32 pages and indicating that it will promptly
5 file the amended opposition if granted leave to do so by the Court. (ECF No. 96).

6 The current deadline for the Parties to file replies in support of their respective motions for
7 summary judgment is Monday, May 15, 2023. However, it is uncertain whether the Court will
8 grant EnvTech leave to file the amended opposition. Additionally, and in the event the Court
9 permits EnvTech to file an amended opposition, Rutherford must be provided with a fair
10 opportunity and amount of time in order to review and address the issues raised in EnvTech's
11 amended opposition. As a result, the Parties have agreed to extend the deadline for filing replies in
12 support of their respective dispositive motions by a period of two (2) weeks, up to and including
13 Tuesday, May 30, 2023 (as Monday, May 29, 2023 is a federal holiday). This request is made in
14 good faith, is not for the purpose of delay. Accordingly, the Parties have agreed and stipulate to the
15 following remaining deadlines for the dispositive motions in this case:

16 1. *Replies in Support of Dispositive Motions:*

17 The Parties shall file replies in support of their respective dispositive motions by no later than
18 Tuesday, May 30, 2023 (Monday, May 29, 2023 is Memorial Day, a federal holiday).

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3. *Pretrial Order:*

The Joint Pretrial order shall be suspended until thirty (30) days after the ruling on the dispositive motions.

DATED this 9th day of May 2023.

DATED this 9th day of May 2023.

SIMONS HALL JOHNSTON PC

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

/s/ Sandra Ketner

/s/ *Noel M. Hernandez*

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Attorneys for Defendant

ORDER

UNITED STATES DISTRICT JUDGE

May 11, 2023

DATED

RED.

PROOF OF SERVICE VIA ELECTRONIC SERVICE

I, Kelly Lee, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Simons Hall Johnston PC. My business address is 690 Sierra Rose Drive, Reno, Nevada 89511. I am over the age of 18 years and not a party to this action.

On May 9, 2023, I served the foregoing **STIPULATION AND ORDER TO EXTEND DEADLINE FOR FILING REPLIES TO DISPOSITIVE MOTIONS [FOURTH REQUEST]** by causing the document to be served via electronic service, addressed to the following e-mail addresses:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on May 9, 2023.

/s/ Kelly Lee
An Employee of Simons Hall Johnston PC